

MEETING

STATE OF CALIFORNIA

HORSE RACING BOARD

In the Matter of:)
)
Special Meeting)
by Teleconference)
)

HEADQUARTERS OFFICE

CALIFORNIA HORSE RACING BOARD

1010 HURLEY WAY, SUITE 300

SACRAMENTO, CALIFORNIA

TUESDAY, JULY 3, 2007

9:30 A.M.

Reported by:
Peter Petty

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMISSIONERS

Richard B. Shapiro, Chairperson

John C. Harris, Vice-Chairperson

John Andreini

Jesse H. Choper

Marie Moretti

STAFF

Jacqueline Wagner, Staff Services Manager I

Richard Bon Smith, Assistant Executive Director

Mike Marten

ALSO PRESENT

Jack Liebau, Bay Meadows Racing Association

Bernie Thurman, Bay Meadows Racing Association

Jerry Jamgotchian, Licensee

Charlie Daugherty, CTT

Viren Moret, SEIU

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Action Items:

1. Discussion and action by the Board to consider granting Bay Meadows Racing Association a 2008 racing year waiver of CHRB Rule 1433 (b), Application for License, which requires a racing association that conducts four or more weeks of continuous thoroughbred racing in a calendar year to install a polymer synthetic racing surface at its facility by January 1, 2008. 3

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 COMMISSION CHAIRPERSON SHAPIRO: Ladies and
3 gentlemen, will the meeting come to order. This is a
4 Special Teleconference meeting of the California Horse
5 Racing Board on Tuesday, July 3rd, 2007.

6 Present at the Teleconference meeting today are
7 Chairman Richard Shapiro, Vice Chairman John Harris,
8 Commissioner John Andreini, Commissioner Jesse Choper, and
9 Commissioner Marie Moretti.

10 Before we go to an item on the agenda, I'd like to
11 ask everyone to please state your name and the organization
12 clearly, for our court reporter. This meeting is being
13 recorded similar to our normal Board meetings.

14 Meeting procedures for public comments. The Board
15 invites comments from the public about items on its agenda.
16 It also invites public comment about items not on the
17 agenda, that are related to horse racing, during an open
18 comment period.

19 However, at this meeting we will not have an open
20 comment period.

21 In order to assure that each individual, who
22 wishes to comment, will have an adequate opportunity to do
23 so, and also to assure that the meeting as a whole will be
24 completed in a timely manner, so that individuals wishing to
25 comment on multiple matters will not be required to stay for

1 an unreasonable length of time, I will strictly enforce a
2 five-minute time limit for each person wishing to speak on
3 any item.

4 The goal of this rule is to assure that each
5 person's right to make their views known is not disrupted by
6 another person's conduct.

7 In order to expedite the comment process, there is
8 a public -- there is not a public comment sheet for each
9 agenda item, so I will ask each person to please limit their
10 remarks to the five-minute period.

11 Please, if you wish to speak, identify yourself
12 and for the court reporter.

13 If it appears that a speaker is repeating what was
14 previously been stated, I will ask the speaker if he or she
15 has any additional comments to make. If not, I will ask the
16 speaker to allow the next speaker to come before us and
17 speak for the time remaining, unless the Board member
18 indicates that he or she still wishes to hear from that
19 individual.

20 With that being said, the only item on our agenda
21 today is the discussion and action by the Board to consider
22 granting Bay Meadows Racing Association a 2008 racing year
23 waiver of CHRB Rule 1433 (b), application for license, which
24 requires a racing association, that conducts four or more
25 weeks of continuous thoroughbred racing in a calendar year,

1 to install a polymer synthetic racing surface at its
2 facility by January 1st, 2008.

3 This agenda item is in fact a carryover from our
4 last meeting, when the Board had a discussion, a full
5 discussion on this issue in our prior meetings. And at the
6 prior meeting, the Board wanted to take a vote on this
7 matter, but because the agenda had not been properly -- the
8 agenda item had not been properly written, we decided to
9 have this Special Teleconference meeting.

10 This would permit Bay Meadows to operate in 2008
11 without installing a synthetic surface track.

12 At this point, I would like to invite any of the
13 Commissioners to make comment about this issue.

14 COMMISSION VICE CHAIRMAN HARRIS: This is John
15 Harris. As everyone will recall, I was originally for
16 giving Bay Meadows the waiver, but the only problem I have
17 with this meeting is I'm questioning, just as a governmental
18 procedure, if having an emergency meeting is the way to do
19 it. And I have to admit that I was the one that somewhat
20 thought of the emergency meeting, just at the conclusion of
21 our last meeting, because at that meeting or after that
22 meeting I was informed that our budget of CHRB was being
23 held up, and apparently there was some linkage to this Bay
24 Meadows waiver with our budget.

25 So at that point I felt, well, if it has to be, we

1 ought to get this darn thing resolved.

2 But now our budget is done and I'm just
3 questioning if this format, which doesn't really allow for
4 public input, and comment, and participation because of the
5 way it's set up, is really the best format.

6 Originally, I thought that a telephonic meeting
7 would include the opportunity for people to dial in from
8 anywhere, basically, and participate. But the way that
9 actually the rules are, a person has to be at a designated
10 spot, and that is really more cumbersome than what I had
11 envisioned.

12 So at this point I could really go either way on
13 getting it done today or not, but I don't feel that
14 comfortable with the process, and was wondering how the
15 other Commissioners felt.

16 COMMISSIONER ANDREINI: This is John Andreini. I
17 mean, I like this format, John. I mean, we can go on ad
18 nauseam from one meeting to the next. And I think that if
19 the people at Bay Meadows -- if it is going to be approved,
20 I think the people at Bay Meadows have to have some time to
21 prepare. And the longer we put this off, the more
22 constraints we put on those people, and I just don't think
23 that's fair. That's my view.

24 COMMISSION VICE CHAIRMAN HARRIS: Okay.

25 COMMISSION CHAIRPERSON SHAPIRO: That was

1 Commissioner John Andreini.

2 COMMISSIONER ANDREINI: Yes.

3 COMMISSIONER MORETTI: This is Commissioner
4 Moretti.

5 COMMISSION CHAIRPERSON SHAPIRO: We hear you, go
6 ahead, Commissioner Moretti.

7 COMMISSIONER MORETTI: I'm fine with -- just to
8 clarify with John's point, I'm fine with voting on it today.
9 I would like clarification, though, on the -- you did say
10 2008, and I just have a question about if we give this
11 waiver to Bay Meadows, have they agreed to race for 2008?

12 COMMISSION CHAIRPERSON SHAPIRO: Well, why don't
13 we -- is there anybody that's representing Bay Meadows on
14 the call?

15 MS. THURMAN: Well, if Jack doesn't want to speak,
16 this is Bernie.

17 COMMISSION CHAIRPERSON SHAPIRO: Well, is Mr.
18 Liebau in attendance on this call?

19 MR. LIEBAU: Hollywood Park.

20 COMMISSION CHAIRPERSON SHAPIRO: Mr. Liebau, can
21 you respond to Commissioner Moretti, please? Can you hear
22 me? Hello, is anybody on the phone.

23 COMMISSIONER CHOPER: I'm on the phone, this is
24 Jesse Choper, you haven't got cut off from everybody.

25 PUBLIC INFORMATION OFFICER MARTEN: Richard, can

1 you hear us?

2 COMMISSION CHAIRPERSON SHAPIRO: I hear you.

3 Who's that?

4 PUBLIC INFORMATION OFFICER MARTEN: That's Mike
5 Marten. Jack Liebau's right here, trying to speak.

6 COMMISSION CHAIRPERSON SHAPIRO: Okay. John
7 Harris, are you still on the phone?

8 COMMISSION VICE CHAIRMAN HARRIS: I'm still here.

9 COMMISSION CHAIRPERSON SHAPIRO: Marie, are you
10 still on the phone?

11 COMMISSIONER MORETTI: I am, indeed.

12 COMMISSION CHAIRPERSON SHAPIRO: Okay, and John
13 Andreini, are you still on the phone?

14 COMMISSIONER ANDREINI: Yes, I am.

15 COMMISSION CHAIRPERSON SHAPIRO: Okay, Mr. Liebau,
16 do you want to respond to Commissioner Moretti's inquiry?

17 MR. LIEBAU: We already stated at the last meeting
18 that we were interested in running, and that for the last
19 two meetings it has been talked about that we were going to
20 develop dates, and the dates for Northern California have
21 been postponed, or the discussion regarding dates, or the
22 definitive discussion regarding dates for Northern
23 California have been postponed by the parties because of the
24 uncertainty of the Golden Gate permit.

25 It's my understanding that the permit has been

1 granted to Golden Gate fields, but that the appeal period
2 runs out today at five o'clock. And because of that,
3 definitive discussions regarding dates have been postponed
4 until we know some certainty.

5 Because there are all sorts of different
6 scenarios, one of them being that if Golden Gate was not
7 able to get its permit, was not able to put in the track,
8 there was some discussion that it would have been better for
9 Bay Meadows to run during the wet period because some
10 people, and I'm saying that some people thought that the Bay
11 Meadows track -- that it took the rain weather better than
12 Golden Gate. And I said "some people" but that, I think, is
13 a general thing.

14 So for that reason, the dates for Northern
15 California, the discussion regarding definitive dates has
16 been postponed until the appeal period runs out and there's
17 some certainty as to whether Golden Gate will be able to
18 install the synthetic track.

19 I've said that we would appreciate being able to
20 run our dates as early as possible. We have also said at
21 the last meeting that we realize we have a moral obligation
22 to the San Mateo County Fair, as far as running their dates,
23 when those dates are allocated to them. So that's where we
24 stand.

25 COMMISSION CHAIRPERSON SHAPIRO: So since this

1 meeting is only to allow Bay Meadows to race in 2008,
2 without installing a synthetic track, we really are not
3 having a dates discussion.

4 MR. LIEBAU: Right, the dates are still in
5 question, and dates may or may not be allocated to Bay
6 Meadows, but depending on the discretion of the Board.

7 COMMISSION CHAIRPERSON SHAPIRO: Right.

8 MR. LIEBAU: I will say that as far as the
9 synthetic track is concerned, Bay Meadows does not have an
10 under surface that has been talked about as being required
11 by the rule. But I can tell you that based upon the stuff
12 that has recently been installed at Bay Meadows, there is
13 probably more polymer substances in the Bay Meadows track
14 than there is in the Hollywood Park track.

15 COMMISSION CHAIRPERSON SHAPIRO: Okay. But
16 bringing it back then, if I understand what you've said, it
17 is your intention to race in 2008 and, certainly, it is your
18 intention that the San Mateo County Fair would race in 2008;
19 is that correct?

20 MR. LIEBAU: That's correct. But it's also
21 dependent, as I have said on numerous occasions when we've
22 gone through this dance before, and I know that nobody
23 really enjoys dancing with me on this, you know, there's
24 been some talk that, well, we'll give Bay Meadows 50 days or
25 something like that. And then we just can't operate with

1 that, we need a critical mass of days, and that's why I
2 think we have to wait until the dates are determined,
3 finally, but the Horse Racing Board, but it can be discussed
4 in an orderly manner, which is going to take place next
5 week, as soon as it's determined where we stand with respect
6 to the installation of a synthetic track at Golden Gate
7 Fields.

8 COMMISSION CHAIRPERSON SHAPIRO: Mr. Liebau,
9 before you get away, obviously our concern is for the horses
10 and the riders. And as we all know, your meet earlier this
11 year was a very difficult meet in terms of the number of
12 horses that were injured, and so forth.

13 Can you tell us what steps you are taking so that
14 the dirt surface, that's currently installed at Bay Meadows
15 will, in fact, be as safe as possible? Can you tell us?
16 I've seen, in correspondence from you, where there was
17 discussion of adding more sports grids, there were
18 discussions about improving it. Can you tell us what steps
19 will be taken for 2008, short of installing a synthetic
20 surface, as we define it?

21 MR. LIEBAU: They've already been taken and I'd
22 have to say that the trainers that were at Bay Meadows, were
23 even somewhat concerned about us doing anything to the track
24 because they considered it to be a safe track before we
25 added various polymer substances to the track in order to

1 make it softer.

2 As you know, the track, we brought in Mick, who
3 is, I think, the leading expert on track surfaces in the
4 United States. The report was sent to all of the
5 Commissioners. He said that the Bay Meadows track, as far
6 as consistency, was one of the best tracks that he'd seen as
7 far as consistency was concerned. And he suggested that
8 certain things be added to make it softer, which has already
9 taken place.

10 And as I said, the adding of that was somewhat
11 discouraged by the trainers, who train on the track on an
12 everyday basis, because they thought the track was fine the
13 way it was, but we've gone to that.

14 So the statistics as far as the last meet were not
15 acceptable. But also, sometimes when people talk about
16 those statistics, they don't recognize that a number of the
17 catastrophic injuries happened on the turf course which,
18 over the years, has been viewed as one of the best turf
19 courses in the United States.

20 COMMISSION CHAIRPERSON SHAPIRO: Okay.

21 COMMISSIONER CHOPER: Before Mr. Liebau -- this is
22 Jesse Choper.

23 COMMISSION CHAIRPERSON SHAPIRO: Yes, go ahead.

24 COMMISSIONER CHOPER: Before Mr. Liebau goes, can
25 I do something for just a moment, please?

1 COMMISSION CHAIRPERSON SHAPIRO: Please, go ahead.

2 COMMISSIONER ANDREINI: On the question of the
3 dance, I just want to see if I have a pretty clear
4 understanding of what the situation is. It seemed to me
5 that you said, one, that you did plan to run during the 2008
6 racing season, but that the only criterion that had to be
7 met so far was that there be a critical mass, and the number
8 of dates constituting the critical mass.

9 I just wonder if you could articulate any other
10 criteria that will concern you?

11 MR. LIEBAU: Well, I think we would like -- we
12 would assume that dates in Northern California would be
13 allocated in the historic manner, which is that dates
14 available to the thoroughbred associations have been more or
15 less divided equally, sometimes based on days and sometimes
16 based upon commissions. In other words, sometimes either
17 Bay Meadows or Golden Gate got a few days more than the
18 other, but that the commission income or the purse
19 generation income came out about the same.

20 And, of course, the first generation is of
21 importance to both Bay Meadows and Golden Gate, so that we
22 can offer uniform, more or less uniform purses on a year-
23 round basis. So that's where we are, that's what we're
24 looking for.

25 COMMISSIONER ANDREINI: So would you say, then,

1 that there are two criteria, that you get a -- and maybe
2 it's really only one criteria in the end. That there be a
3 roughly equal division of days and purses among the
4 two -- between the two Northern California tracks?

5 MR. LIEBAU: That's what we're looking for. You
6 know, if at all possible, we would like to run our dates as
7 early as possible. But that's for further determination. I
8 mean, as one Commissioner said, and I think it was Mr.
9 Harris, you know, we're operating on two different things.
10 I mean, it may turn out that for whatever reason the Horse
11 Racing Board might, in its discretion, deem it appropriate
12 not to give any date, allocate any dates to Bay Meadows.

13 You know, the dates belong to the State of
14 California, not to any particular track.

15 COMMISSIONER ANDREINI: No. But I think -- I'll
16 try just two more steps on the dance. I think what you're
17 saying is that you will run so long as you get a fair, equal
18 division of dates and purses?

19 MR. LIEBAU: Yeah, I think that's -- that's our
20 intention.

21 COMMISSION VICE CHAIRMAN HARRIS: The problem is
22 that we don't really -- there are so many different
23 variables in this whole thing, I think that practically what
24 would happen, that we would allocate and Bay Meadows would
25 say, look, we don't want to play this game at all or, yes,

1 this sounds okay, we will run.

2 But the thing is we can't really promise an exact
3 mirror image of previous years, or whatever.

4 COMMISSION CHAIRPERSON SHAPIRO: Yes, I agree with
5 Commissioner Harris. This is Richard Shapiro.

6 I don't know that there is, in fact, any
7 historical dates, because the dates up there have been flip-
8 flopping around for a number of years. And a lot of people
9 would wonder -- they don't know who's racing when.

10 But I think in terms of quantity of dates, I think
11 that historically there has been some equally number of
12 dates. And in fact, in this particular year, off the top of
13 my head, I think Bay Meadows ran something like 102 dates
14 and Golden Gate 97 dates. I may be off a date or two. I
15 don't know if Robert Hartman wants to comment.

16 MR. LIEBAU: I think that's true. I think that
17 what happened, this is Jack Liebau again, is that that is
18 one of the scenarios that I talked about is that at some
19 years one track has run more days than the other, but I
20 think that the overall objective has been to more or less
21 try to come up with dates that generated equal purses and
22 commissions for each track.

23 As far as dates for 2007 are concerned, the dates
24 for 2007 were determined in order to make it as convenient
25 as possible for Golden Gate to install its synthetic track.

1 COMMISSION CHAIRPERSON SHAPIRO: Okay. I think
2 what we -- again, I want to bring this back to, I don't
3 think we're in the position, nor is this discussion item
4 intended really to be a discussion of dates.

5 I appreciate Commissioner Moretti's question, and
6 I think for the certainty of racing in Northern California,
7 we certainly need to know that Bay Meadows will, in fact,
8 race. But I don't want to infer, one way or the other, as
9 to who's going to get how many dates, and what those dates
10 will be, because that will be subject to, I'm sure, numerous
11 and lengthy discussions with the whole industry, in a public
12 meeting, not a telephonic meeting, so that we can come to
13 what is best for California racing.

14 So, again, I appreciate this discussion, but I
15 think that we ought to not focus too much on what the dates
16 are, as much as possible.

17 COMMISSION VICE CHAIRMAN HARRIS: This discussion
18 is just to determine that conceivably Bay Meadows, as a
19 stand-alone enterprise, can get more than four weeks in
20 2008.

21 COMMISSION CHAIRPERSON SHAPIRO: Yes, I agree with
22 you.

23 COMMISSION VICE CHAIRMAN HARRIS: That doesn't
24 include any guarantee they'll get all the dates, or none of
25 the dates, or what.

1 COMMISSION CHAIRPERSON SHAPIRO: Right, I agree
2 with you. I think that we are simply dealing with Rule
3 1433. You know, we've had, unfortunately, way too much
4 difficulty in dealing with this, and I think that we really
5 need to get down to what is our intention and see if we
6 can -- you know, if the Board is desirous of waiving the
7 rule for 2008.

8 Does any other Commissioner, if not, we'll open it
9 up to public comment, to see if any of the public parties
10 wish to address this.

11 Okay, is there anybody who's on the phone call, at
12 any of the locations, that wishes to speak to this matter.

13 PUBLIC INFORMATION OFFICER MARTEN: Jerry
14 Jamgotchian is here and would like to speak, at Hollywood
15 Park.

16 COMMISSION CHAIRPERSON SHAPIRO: Okay, Mr.
17 Jamgotchian, are you there?

18 MR. JAMGOTCHIAN: Yes.

19 COMMISSION CHAIRPERSON SHAPIRO: Okay, Mr.
20 Jamgotchian, I'll remind you, you have five minutes. But go
21 ahead.

22 MR. JAMGOTCHIAN: Thank you, Mr. Shapiro, for the
23 time limit. I wanted to say that this is a classic example,
24 I think, of the Board learning its lesson. I think the
25 lesson they learned is that the Board, and Chairman Shapiro,

1 specifically, probably shouldn't look at personal vendettas
2 to try to correct what they believe is an issue.

3 In this particular case, whether you're talking
4 about this waiver, or the poly track issue -- or excuse me,
5 a cushion track or a synthetic track issue, the issue should
6 be what's beneficial for racing. And to shut down a track
7 is not beneficial to racing.

8 To unequally enforce the rules against a race
9 track, like the Bay Meadows Land Company Racetrack, in lieu
10 of race tracks like Del Mar and Santa Anita, who get special
11 consideration for things that are clearly improper, to me, I
12 think all of you Board members should address this and look
13 at things in the best interest of racing and treat all
14 associations equally.

15 Waiving this rule for Bay Meadows is a decision
16 that should have been made a long time ago and not be hidden
17 by a special telephonic meeting.

18 And more importantly, I think that all the Board
19 members should focus on the fact that we need to unite this
20 industry and look at all of our associations in an equal and
21 fair manner. And until you do, you'll continue to
22 fractionalize horse racing to a degree that will continue to
23 diminish its standing in the State, as well as its standing
24 nationally. Thank you very much.

25 COMMISSION CHAIRPERSON SHAPIRO: All right, is

1 there anybody else from the public that wishes to speak to
2 this matter?

3 MR. DAUGHERTY: Commissioners, this is Charlie
4 Daugherty, from CTT.

5 COMMISSION CHAIRPERSON SHAPIRO: Okay, Charlie, go
6 ahead.

7 MR. DAUGHERTY: We clearly see the benefits of Bay
8 Meadows staying open in 2008, given the uncertainty of
9 whether or not Golden Gate Fields is going to be able to put
10 in their surface this summer.

11 And also, if Pleasanton moves forward with
12 installing its synthetic track, that they're going to need
13 some time.

14 We do have one concern that we'd like to get some
15 clarification and/or commitment from Bay Meadows on, and it
16 relates to if they do race at any time in 2008, for the
17 stabling program for the remainder of 2008. There's some
18 concern that we will not have adequate stabling if Bay
19 Meadows chooses to run to a certain point and then not stay
20 open the rest of the year for stabling purposes. So we
21 would like to get that clarified.

22 COMMISSION CHAIRPERSON SHAPIRO: Charlie, I think
23 that's a very good point and perhaps Mr. Liebau can address
24 that.

25 Mr. Liebau, would you be willing to commit that

1 the stabling area will be available to the horsemen
2 throughout 2008?

3 PUBLIC INFORMATION OFFICER MARTEN: Unfortunately,
4 this is Mike Marten, Mr. Liebau's stepped out of the room,
5 briefly.

6 COMMISSION VICE CHAIRMAN HARRIS: I'm not sure on
7 the stabling --

8 COMMISSION CHAIRPERSON SHAPIRO: All right, is Ms.
9 Thurman on the phone.

10 COMMISSION VICE CHAIRMAN HARRIS: On the stabling,
11 it would seem that is kind of a separate issue. I think,
12 hopefully, they would.

13 COMMISSION CHAIRPERSON SHAPIRO: I guess it would
14 come up, John, you're right, under the dates.

15 COMMISSION VICE CHAIRMAN HARRIS: I think we need
16 to probably consider, when we issue the dates, what sort of
17 covenant that date allocation has relative to other issues.
18 But I don't know if it's something, really, we can tie down
19 today.

20 COMMISSION CHAIRPERSON SHAPIRO: You're probably
21 right. And Charlie, the point is very well taken, and it's
22 certainly an issue that needs to be addressed.

23 Again, we're not allocating dates and, perhaps, as
24 the date question ensues that should be something that
25 should be part of it. Is that acceptable to you?

1 MR. DAUGHERTY: That's fine, thank you.

2 COMMISSION CHAIRPERSON SHAPIRO: Okay, thank you.

3 Is there anybody else from the public that wishes to address
4 this issue?

5 PUBLIC INFORMATION OFFICER MARTEN: Here at
6 Hollywood Park, Viren Moret, Business Manager for the
7 Service Employees International Union.

8 MR. MORET: Hey, good morning, everyone, this is
9 Viren Moret, with SEIU Local 1877. You know, listening to
10 the conversation as a whole, I think that the decision to
11 allow Bay Meadows to have a waiver for the 2008 season, I
12 think it's just in the best interest of racing as a whole.
13 I mean, we have Northern and Southern California, probably,
14 roughly, close to 500 employees that, if that waiver is not
15 allowed, at some point in time the employees over at Bay
16 Meadows are looking at having to move over to Golden Gate.
17 And certainly, with Golden Gate being operable at that time,
18 as well, it means we end up losing jobs. And, obviously, we
19 don't want to lose jobs. And we do want to do what's best
20 for the interest of racing as a whole.

21 So I think that it's imperative that the Board
22 takes a good look at that. If Bay Meadows has done more
23 than enough to try to make sure that the track is in racing
24 operation and condition, they've added additional whatever
25 surfacing to make it more safer for the trainers, and the

1 horsemen, and the riders, and whatnot, that I think if
2 they've verified that to you I think it's more than enough
3 to be able to say, look, a waiver is something we can do for
4 one year. Especially since, you know, it's going to affect
5 a whole lot of people, not just the State, itself.

6 You know, we're talking about tons of employees
7 and, basically, just the interests of racing as a whole. So
8 I would say that SEIU is in favor of that, if that were to
9 go that way. Thank you.

10 ASSISTANT EXECUTIVE DIRECTOR SMITH: Chairman
11 Shapiro, this is Bon Smith, CHRB staff in Sacramento. Could
12 the gentleman from SEIU please repeat his name again slowly,
13 and spell it, so our court reporter can get that information
14 down?

15 MR. MORET: Sure, it's Viren, V, as in Victor, i-
16 r-e-n. The last name is Moret, M-o-r-e-t.

17 ASSISTANT EXECUTIVE DIRECTOR SMITH: Thank you.

18 MR. MORET: Thank you.

19 COMMISSION CHAIRPERSON SHAPIRO: Thank you. Is
20 there anybody else wishes to address this? If not, I'm
21 going to call for a vote.

22 Okay, do Commissioners have any last thoughts,
23 otherwise I'd just as soon --

24 COMMISSION VICE CHAIRMAN HARRIS: Yeah, I think we
25 need a motion, though, don't we?

1 COMMISSION CHAIRPERSON SHAPIRO: Okay, do you want
2 to make a motion, then, Commissioner Harris?

3 COMMISSION VICE CHAIRMAN HARRIS: Yeah, I'll move
4 that for the 2008 calendar year Bay Meadows be given a
5 waiver on whatever rule that is.

6 COMMISSION CHAIRPERSON SHAPIRO: All right, Rule
7 1433 (b).

8 COMMISSION VICE CHAIRMAN HARRIS: 1433 (b).

9 COMMISSIONER ANDREINI: Move to approve.

10 COMMISSION CHAIRPERSON SHAPIRO: Okay, is there a
11 second for the motion?

12 COMMISSIONER ANDREINI: I'll second, this is
13 Andreini.

14 COMMISSION CHAIRPERSON SHAPIRO: Okay. Okay, I
15 will conduct this by a name vote, so that because we can't
16 see.

17 Therefore, Commissioner Andreini?

18 COMMISSIONER ANDREINI: I vote for the waiver.

19 COMMISSION CHAIRPERSON SHAPIRO: Okay,
20 Commissioner Choper?

21 COMMISSIONER CHOPER: Yes.

22 COMMISSION CHAIRPERSON SHAPIRO: Commissioner
23 Harris?

24 COMMISSION VICE CHAIRMAN HARRIS: Yes.

25 COMMISSION CHAIRPERSON SHAPIRO: Commissioner

1 Moretti?

2 COMMISSIONER MORETTI: Yes.

3 COMMISSION CHAIRPERSON SHAPIRO: Commissioner

4 Shapiro is yes.

5 Therefore, the motion passes five to zero.

6 Okay, that concludes this meeting. Appreciate
7 everybody enduring this telephonic discussion. Appreciate
8 everybody that showed up for this meeting.

9 And our next meeting will be on July 19th, at Del
10 Mar.

11 All right, now, we'll close the meeting and
12 adjourn it. Thank you, all. Thank you, everybody.

13 (Thereupon the California Horse Racing
14 Board Special Telephonic meeting was
15 adjourned at 10:02 a.m.)

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CERTIFICATE OF REPORTER

I, PETER PETTY, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing Special Telephonic Meeting of the California Horse Racing Board; that thereafter the recording was transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, or in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of July, 2007.

Peter Petty

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345□